

issue that the press has decided to address as "the nuclear option" which is going on over in the Senate by dealing with the Senate rules and how we are going to get an up-or-down vote on judges.

We love to address, and rightfully so, the Constitution of the United States as we discuss things on this floor. And we love to talk about the checks and balances in our government. And in a judiciary appointed for life as we designed in our system, you have to look into the Constitution and see where the checks and balances are. And I think clearly our framers designed the number one check and balance on the judiciary to be the fact that there will be a new process at least every 8 years now, but certainly 4 to 8 years, who will appoint different types of people to serve in our judiciary which will give a good cross-section of a blend of attitudes, views of the law to our judicial system, to give a system that spreads fairness for all citizens.

To use procedural rules to prevent that appointment power which calls for the advice and consent of Senate, to prevent that using procedural rules, I think it is not a nuclear option, as we are discussing, it is a constitutional option.

If we are not going to allow that check and balance to operate, then where will the checks and balances be? So this will be a subject of another discussion another time. But at this time, I just want to remind the American people as the rhetoric in the papers and on the TV and the radio, remember it is the best justice system in the world. But it is the best because we had some people who sweated blood, sweat, and tears in Philadelphia to come up with a plan that set balance to our system. And the number one balance to a judicial system appointed for life is the opportunity for the executive branch, through the President, to nominate new blood to our judiciary through every Presidential term.

Some of that new blood will be just exactly what they think it will be with their views, and some of it will not. And we are always surprised to hear from our commentators: Well, it is true, but that judge was appointed by Reagan.

That's right, that is how the system works. You put the new blood out there, that blood develops into a justice system, that spreads it out for everybody. And some of them, some people go the way everybody expects them to be and some people do not.

When Eisenhower appointed Earl Warren, nobody anticipated the activist court that would come from the Warren court. And yet historically it is one of the most activist courts in America. So that system works. Why be afraid of it?

I would urge everyone to look at this issue and let the Senate think just for a second, get the politics out of this for a minute and say, What did our Founding Fathers see here? That we had a

system that works if we just let it work.

Let us have a vote, up or down, on every nomination that the President has proposed; and when their President gets in there, if he ever does, we should do the same thing for them. That is what our Founding Fathers proposed.

Madam Speaker, I have enjoyed being with you this evening and I am very honored that my colleagues were able to see me ranting and raving and come over here and help me out. Of course, you know one thing you can count on from Texans and Georgians is when there is a call to arms they always show up. So I am proud to see my colleagues from Texas come out and join me in this discussion, and I am very proud to have my colleague from Georgia join me. I thank them all for being here with me tonight.

Madam Speaker, I thank you for your patience in listening to me tonight and for joining us and coming up with those solutions that men and women of good will can submit to this body and hopefully make America better.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. RES. 22, EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES THAT AMERICAN SMALL BUSINESSES ARE ENTITLED TO A SMALL BUSINESS BILL OF RIGHTS.

Mr. GINGREY (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 109-55) on the resolution (H. Res. 235) providing for consideration of the resolution (H. Res. 22) expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 748, CHILD INTERSTATE ABORTION NOTIFICATION ACT

Mr. GINGREY (during the Special Order of Mr. CARTER), from the Committee on Rules, submitted a privileged report (Rept. No. 109-56) on the resolution (H. Res. 236) providing for consideration of the bill (H.R. 748) to amend title 18, United States Code, to prevent the transportation of minors in circumvention of certain laws relating to abortion, and for other purposes, which was referred to the House Calendar and ordered to be printed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. HOOLEY (at the request of Ms. PELOSI) for today on account of a family issue.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.
Mr. BROWN of Ohio, for 5 minutes, today.
Mr. DEFAZIO, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Mr. GEORGE MILLER of California, for 5 minutes, today.
Mr. KIND, for 5 minutes, today.
Mrs. DAVIS of California, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. MCDERMOTT, for 5 minutes, today.
Mr. CUMMINGS, for 5 minutes, today.
Mr. EMANUEL, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. HENSARLING, for 5 minutes, today and April 27.
Mr. JONES of North Carolina, for 5 minutes, today and April 27.
Mr. BURTON of Indiana, for 5 minutes, today and April 27 and 28.
Mr. OSBORNE, for 5 minutes, today.
Mr. PORTMAN, for 5 minutes, April 27 and 28.
Mr. GUTKNECHT, for 5 minutes, April 27, 28, and May 3.
Mr. ROHRBACHER, for 5 minutes, today.
Mr. NORWOOD, for 5 minutes, April 28.
Ms. ROS-LEHTINEN, for 5 minutes, May 3 and 4.
Mr. MCHENRY, for 5 minutes, April 27 and 28.
(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)
Mr. GINGREY, for 5 minutes, today.
Mr. MOLLOHAN, for 5 minutes, today.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 893. An act to make technical corrections in the Anabolic Steroid Control Act of 2004, to the Committee on Energy and Commerce; in addition to the Committee on the Judiciary for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Mr. CARTER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 44 minutes p.m.), the House adjourned until tomorrow, Wednesday, April 27, 2005, at 10 a.m.